

Topsfield Conservation Commission
Minutes of Wednesday, May 28, 2014
Topsfield Library Meeting Room

Present: Cheryl Jolley, Vice Chairperson; Holger Luther; Jim MacDougall; Jim Carroll; Lana Spillman, Conservation Administrator; and MaryAnn Tuxbury, Minutes Secretary.

Absent: Jennie Merrill, Chairperson

Other Attendees: Joanne Leary; Mark Gatti; John Duffy; Scott McGaunn; Joseph McGaunn; Michael DeRosa; John Coughlin; and Selectman Dick Gandt.

The meeting was called to Order at 7:06 p.m.

HEARINGS:

Bylaw NoI #2014-01: 19 South Main Street, (Map 40, Lot 086), Gatti

Mark Gatti and his wife were present for this public hearing. The proposed work will take place in the Buffer Zone and/or Bylaw Riverfront Area. The proposed work is razing existing porch (Riverfront Area only); construction of an 18' X 40' addition on rear of the house; construction of a 5' X 9' mudroom addition on the side of the house (Riverfront Area only); installation of an 8' X 23' patio (Buffer Zone and Riverfront Area); and restoration/installation of a 4' X 15' cobblestone expansion of the driveway (Riverfront Area only).

Spillman reported that she had done a site visit on May 27, 2014 and she does not have any concerns.

A motion was made and seconded (Luther/Carroll) to close the public hearing. So voted unanimously.

A motion was made and seconded (Luther/MacDougall) to issue an OoC with the usual special conditions under the Bylaw and as per the plan dated March 4, 2014. So voted unanimously.

REQUESTS:

RDNI #2014-08: 13 Pond Street, (Map 02, Lot 004). Duffy

John Duffy was present for this discussion. The proposed work is to replace a partly cantilevered deck with a larger deck in the Buffer Zone adjacent to BVW and Hoods Pond. OoC #307-0711 was recently issued for upgrade of the septic system.

A motion was made and seconded (Luther/Carroll) to issue a Determination of Negligible Impact for modification of a deck using Diamond Pin Piers. So voted unanimously.

RDNI #2014-09: 1 South Common Street/Topsfield Library (Map 33, Lot 038), McGaunn

Justine McGaunn was present for this discussion. The proposal is an Eagle Scout project, and is the construction of kiosk to be used as a bookshelf/lending library on two (2) sonotubes within

200 feet of School Brook. He stated that he will be using pressure-treated lumber, and plexiglass windows on the front of the kiosk.

A motion was made and seconded (Luther/MacDougall) to issue a Determination of Negligible Impact for the construction of a kiosk in Riverfront Area as proposed. So voted unanimously.

CoC #307-0583: Ferncroft Country Club Pond Restoration, (Map 80, Lot 001; Map 83, Lot 003), DeRosa Environmental Consulting

Mike DeRosa was present for this discussion.

Before discussion began, MacDougall stated that he needed to recuse himself due to a conflict of interest; he has worked for DeRosa in the past (about 18 months ago). Spillman suggested invoking the rule of necessity because a quorum is needed to vote on the CoC. Selectman Gandt agreed.

A motion was made and seconded (Luther/Carroll) to invoke the rule of necessity to allow Jim MacDougall to vote on this application. The vote was 3 yes, 1 abstain (MacDougall). Motion passed by majority vote.

DeRosa stated that the ponds at the country club were constructed in the late 60's and were never maintained. He reported on the work that has taken place on the ponds and the country club; the cart paths were re-done; the ponds were dredged and the edges were repaired/restored with stonework; and shelves were planted and vegetation grew as planned at the pond edges. A fish survey was also done at the beginning (but not at the completion) of work.

A motion was made and seconded (Luther/Carroll) to accept the CoC report and to issue a CoC for the work completed under OoC 307-0583 at the Ferncroft Country Club. So voted unanimously.

OTHER:

48 Candlewood Road, (Map 43, Lot 021) – Request for waiver of Bylaw Regulations, proposed barn addition in Buffer Zone on new lot

Mike DeRosa and Jay Coughlin, the property owner, were present for this discussion. The owner would like to construct a 36' X 45' barn addition that would mostly be in the Buffer Zone Resource Area on a newly created lot; a NoI will be forthcoming. A change in the property boundary is proposed to accommodate the proposed barn. State Listed Species Habitat PH1299 is at the rear of the property. Mitigation in the form of invasives management and native plantings is proposed.

Spillman stated that a precedent has been established. A deck was recently approved in the Buffer Zone on a newly created lot at 3 Beech Place (Lot 23 in the Hickory Beech Subdivision), with mitigation plantings along the limit of clearing in Buffer Zone.

Luther asked if there were any rare or unusual species there. DeRosa reported that there are blue spotted salamanders and two (2) species of dragonflies there. Luther suggested planting a hedge

to act as a border between the backyard and the habitat area; this way the homeowner and successors would understand that there is to be no activity past that point.

120 High Street, Hickory Beech Subdivision –

- **8 Evergreen Lane, (Map 50, Lot 028), Simoes, Violation Notice 2014-02 – update**
Spillman reported that she had sent a follow-up Violation Notice letter with conditions. She stated that she has extended the deadline for submission of the chosen consultant for the restoration plantings to noontime on Monday, June 2, 2014. She reported that Mr. Simoes is considering John Morin, from The Morin-Cameron Group, together with Mike DeRosa, from DeRosa Environmental Consulting, to propose and implement the restoration work.

Summer Intern – update

Spillman reported that she will be sending a flyer to Masconomet High School looking for a student(s) for the summer intern position.

TCC appointments to Committees and Boards – volunteers

- **Mapping Committee**

MacDougall stated that he is the Chairman now of the Mapping Committee and they are supposed to meet once a month, but lately they have been meeting on an as-needed basis. He stated that he is going to retire from the Committee and the TCC effective June 30, 2014. Carroll expressed an interest in becoming a member of the Mapping Committee.

- **Soil Removal Board**

Spillman stated that Merrill was appointed to this Board in 2009. Luther stated that he was on this Board before, and that he is not sure what he is going to be doing effective June 30, 2014.

- **Storm Management Committee**

No one volunteered to serve on this Committee.

120 High Street, Hickory Beech Subdivision – (cont.)

- **OoCs #307-0507, O & M Plan, Annual Drainage/Stormwater Structure Inspection Report, Request for waiver for 2014**

There was no one present to represent the Homeowners' Association for this discussion.

Spillman stated that the O & M plan attached to the OoCs requires annual inspections and submission of a written checklist; some structures require inspections twice annually. Copies of the recorded Homeowners' Agreement and the Stormwater Management checklist were provided to the Commission members. Written reports for 2009 thru to 2013 were submitted by Beals Associates. The drainage structures were cleaned in January 2014, but no report was submitted; Beals Associates wants \$1800 from the Homeowners' Association to do the report. The Homeowners' Association has requested a waiver of the written report and checklist for 2014.

Luther stated that he would like to hear from Dave Bond whether or not he is satisfied with the cleaning that took place at the subdivision in January 2014. He then suggested that the Commission waive the requirement for this year, but for next year, he would like them to comply with the OoCs.

ADJOURNMENT:

There being no further business to come before the Commission, a motion was made and seconded (Luther/MacDougall) that the meeting be adjourned. So voted unanimously.

The meeting was adjourned at 8:48 p.m.

Respectfully submitted,

MaryAnn Tuxbury,
Minutes Secretary

Minutes approved at the TCC meeting on July 16, 2014

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Commission constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Commission as to the completeness or accuracy of such statements.